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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 RELIOUS CARTER,

No. CIV S-05-0129-LKK-CMK

12 Plaintiff,

13 vs.

ORDER

14 FREDRICK A. BROWN, et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil  
18 rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate  
19 Judge pursuant to Local Rule 72-302(c)(21).

20 On September 8, 2005, the magistrate judge filed findings and recommendations  
21 herein which were served on plaintiff and which contained notice to plaintiff that any objections  
22 to the findings and recommendations were to be filed within ten days. Plaintiff has filed  
23 objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
25 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
26 file, the court finds the findings and recommendations to be supported by the record and by proper

1 analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations filed September 8, 2005, are adopted in  
4 full;  
5 2. Plaintiff's motion for partial summary judgment is denied;  
6 3. Defendant's motion for summary judgment is granted; and  
7 4. The Clerk of the Court is directed to enter judgment and close this file.  
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9 DATED: September 29, 2005.

10 /s/Lawrence K. Karlton  
11 LAWRENCE K. KARLTON  
12 SENIOR JUDGE  
13 UNITED STATES DISTRICT COURT  
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